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29 January 2021

Excellency,

The United Nations Security Council adopted Resolution 2561 (2021) today, regarding the extension of the mandate of the United Nations Force in Cyprus (UNFICYP). The detailed observations of the Turkish Cypriot side regarding this Resolution (See Annex) have already been conveyed verbally and in writing to the Presidency of the Security Council.

Upon instructions from my Government, I would like to underline, once again, the views of the Turkish Cypriot side *vis-à-vis* the issue of consent as well as the modalities of the operations of UNFICYP within the territory of the Turkish Republic of Northern Cyprus (TRNC). As you are well aware, in line with Resolution 2436 (2018), which is also referred to in the present Resolution, one of the governing principles of UN peacekeeping operations throughout the world is the requirement that the consent of parties to the dispute is sought and obtained. In a similar vein, it is also clearly stated in the Brahimi Report, "*...that consent of the local parties and impartiality [...] should remain the bedrock principles of peacekeeping.*" Thus, UNFICYP can operate on both sides of the island only on the basis of the consent of both parties. Otherwise, UNFICYP not only puts into question its impartiality, but also "*risks becoming a party to the conflict*", as stated in the United Nations Peacekeeping Operations Principles and Guidelines. Indeed, the principle of consent is also fundamental to the UN Secretary-General's good offices mission which treats the Turkish Cypriot and Greek Cypriot sides on the island on an equal footing. Furthermore, since the political processes are directly interlinked with the peacekeeping operations, refraining from seeking the consent of one of the sides in relation to UNFICYP would also constitute a serious shortcoming in this regard.

In view of the above, it should be recalled that there are two States, two jurisdictions and two territories on the island of Cyprus, and that in the Turkish Republic of Northern Cyprus, where the Turkish Cypriot side is the sole competent authority, UNFICYP can only operate with the permission and consent of our Government. As will be recalled, the necessity to seek and obtain the consent of each side is also manifested by the separate and simultaneous referenda held on both sides of the island in April 2004 on the UN comprehensive settlement plan on Cyprus. It is long-overdue that the relevant references in the future resolutions on UNFICYP and this material in line with this reality.

H.E. Mr. Tarek Ladeb
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Tunisia
to the United Nations
President of the Security Council
for the month of January 2021
New York.

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Needless to say, the consent for the extension of the mandate of UNFICYP sought and obtained prior to the adoption of the Resolution 2561 (2021) from the Greek Cypriot side, which purports to be the long-defunct "Government of Cyprus", only covers the operations of UNFICYP in South Cyprus. In view of this fact, I feel obliged to state that as a gesture of the good-will of the Turkish Cypriot side and with the permission of our Government, UNFICYP personnel continue to operate within the territory of the TRNC and we maintain our cooperation with UNFICYP, while at the same time continuing to request that it works with us to develop the modalities of its operations in Turkish Republic of Northern Cyprus.

I would be grateful if this letter as well as its annex, enclosed herewith, could be circulated to the members of the Security Council.

Please accept, Excellency, the assurances of my highest consideration.



Mehmet Dâna
Representative

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TURKISH CYPRIOT VIEWPOINT

On the Extension of the Mandate of UNFICYP by the UN Security Council

(January 2021)

PP1, PP4, OP1: Particularly on the eve of the informal 5+UN meeting, the Secretary-General refrained from making reference to any particular settlement framework in Cyprus with a view to not jeopardizing the deliberations that would take during this informal meeting as well as its outcome. We were expecting that the Council would show the same sensitivity in this regard. However, the Council insisted on making references to the repeatedly failed framework of the past as well as its body of work which is no longer relevant. The Secretary-General also stated in this regard in his latest Good Offices Mission report that *“this informal five-plus-one meeting will help clarify the true extent of the commonality of vision and outline steps necessary to chart a way forward.”*

PP3, OP2: We note the Council’s *“full support for the Secretary General’s ongoing efforts, and welcoming his intention to convene an informal five plus UN meeting”*... *“to find common ground between the parties to negotiate a sustainable lasting solution to the Cyprus problem within a foreseeable horizon,”* and the call to the two Leaders to participate in such a meeting with *“the spirit of openness, flexibility and compromise”* at the earliest opportunity. We also note the Council underlining the fact that a settlement should be freely negotiated and mutually acceptable.

The relevant wording in the Resolution, however, may be construed as attempting to put the two sides in a “straitjacket” and undermining their right to freely negotiate a mutually acceptable settlement that would benefit the both sides as well as the wider region. The reality and experience in Cyprus in view of more than fifty years of failed negotiations dictate that other alternatives for a negotiated settlement should be discussed so that the sides can agree on a common vision and ground.

PP6 and OP3: There should be no controversy in registering the fact that the natural wealth in and around the island belongs to Turkish Cypriots and Greek Cypriots. Given the insistence of the Greek Cypriot side to take unilateral steps which is the real source of instability, reducing the tension will only be possible through dialogue and cooperation between the two sides on the island. It should be recalled that with a view to diffusing tension and paving the way for cooperation through dialogue and cooperation, the Turkish Cypriot side has made constructive proposals to the Greek Cypriot side in 2011, 2012 and

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most recently on 13 July 2019. These proposals were unfortunately rejected outright by the Greek Cypriot side. Hence, if UNSC intended to diffuse tension, it should have underlined in its resolution the need for diplomacy and cooperation between the two sides on this issue.

PP10, PP12, OP4 (b,c,d), OP5, OP6 & OP7: Greek Cypriot side has been avoiding direct communication and cooperation with the Turkish Cypriot side for a long time. However, such contacts and cooperation, including civilian and policing matters, are necessary for addressing island wide matters and building trust between the two sides on the island, paving the way to a negotiated settlement. Therefore, a much stronger call should have been made to the sides in the relevant paragraphs with a view to encouraging the Greek Cypriot side towards this end.

Turkish Cypriot side is ready for the establishment of cooperation mechanisms on all matters concerning the two sides, including civilian, economic, military and criminal matters since this is the only way to effectively alleviate tensions and address island-wide issues. However, the emphasis should not be merely on military mechanisms. Like other similar mechanisms established on the island, such as the technical committees and the Committee on Missing Persons, the suggested military mechanism can be established only between the two sides in Cyprus. Thus, the relevant wording in OP6 is factually wrong and misleading.

Furthermore, it must be underlined that the only way to prompt such direct communication and cooperation between the two sides is for the international actors to engage with the Turkish Cypriot side in a similar fashion, giving an impetus to the Greek Cypriot side to do so as well. Accordingly, while the latest UNFICYP report of the Secretary-General (S/2021/4) underlines the fact that “*concerns about recognition should not in themselves constitute an obstacle to increased cooperation*”, it is difficult to understand why the same reasoning cannot be true in establishing relations between the Turkish Cypriots and the international community.

Unfortunately, the issue of the unjust isolation (continued grave violation of human rights of Turkish Cypriot people) imposed on the Turkish Cypriot side has been omitted yet again in the present resolution. More than sixteen years after the publication of the report of the then UN Secretary-General to the Security Council dated 28 May 2004 (S/2004/415/1), where it was clearly stated that “there exists no rational basis for continuing and isolating the Turkish Cypriots”. The imbalance created by the perpetuation of the isolation exacerbates the deep crisis of confidence between the two peoples and the two sides in Cyprus.

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PP12, OP7: It is unacceptable that there is no reference in the resolution to the arbitrary decision of the Greek Cypriot administration to prevent people arriving to the South from crossing to and from North Cyprus through the crossing points. It is clear that this violation of the right of freedom of movement is solely aimed at harming the Turkish Cypriot economy and tourism particularly at this difficult time of the pandemic. The fact that the Greek Cypriot administration is determined to hamper the Turkish Cypriot economy and tourism, using the pretext of the pandemic, is also evident from the decision of the Greek Cypriot leadership not to open Lokmacı (Ledra Street) crossing point, which facilitates crossings mainly from South to North Cyprus, contributing enormously to the businesses around the area. Hence, a clear call should have been made to the Greek Cypriot administration in the resolution to cease these arbitrary decisions immediately, which are poisoning the atmosphere between the two peoples on the island.

PP14, OP6: Cognizant of the fact that the CBMs are vital for bridging trust and establishing cooperation between the two sides in Cyprus, the Turkish Cypriot side has fulfilled all of its responsibilities to implement the CBMs as agreed by the two sides and is ready for further CBMs to be discussed on the island between the two sides. In this context we concur with the view that there is a need for renewed efforts to implement CBMs in an open-minded and creative manner.

OP8: With a view to supporting the work of the CMP, the Turkish Cypriot side has established an Archive Committee in 2016, which comprises military authorities, police authorities, experts from the Ministry of Health and National Archives as well as other relevant units of the Government, to examine the relevant archives for the information requested by the CMP regarding the location of missing persons. In this connection, access was given to the Office of the Turkish Cypriot Member of the CMP to check the aerial photos dating 1974. The Turkish Cypriot side has also established an investigation unit under the TRNC Presidency to examine all relevant archives in order to gather information requested by the CMP regarding the potential locations of missing persons, as well as the Missing Persons Unit (MPU) which conducts criminal investigation into the cases of the identified Greek Cypriot missing persons under the supervision of the constitutionally independent TRNC Attorney-General's Office. Furthermore, upon finding evidence on potential burial places, the Turkish Cypriot side accommodates the access of the CMP to any area throughout the TRNC, be it by interrupting the construction of a major road or giving access to those military areas CMP asks for according to its work plan. In this regard, in addition to the access granted to 30 military sites in 2018, access to 39 additional suspected burial sites in military areas in North Cyprus was granted in June 2019 where the excavations are being carried out according to the planning of the CMP. It should be

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also noted that both the TRNC and Turkey continue to support CMP financially. Yet, none of these contributions and examples of cooperation with the CMP are reflected in the resolution.

OP4(a): While we welcome the call to “*provide the necessary political support and overall guidance to free the Technical Committees from obstructions in their work and enable them to function effectively,*” the wording overlooks the fact that it is the lack of political will on the part of the Greek Cypriot leadership which has slowed down, or even unilaterally halted the work of some of these committees.

OP4(d): The Turkish Republic of Northern Cyprus has revised its schoolbooks in the past, promoting a culture of tolerance and mutual understanding. However, the Greek Cypriot side refuses to remove discriminatory language against the Turkish Cypriot people from its textbooks. The Greek Cypriot administration even has the audacity to attempt every year to send to the Greek Cypriot schools in Karpaz, TRNC, text books containing racist remarks about the Turkish Cypriots and Turkish people. The resolution also falls short of referring to the lack of a Turkish primary school in South Cyprus in spite of the repeated assurances given by the Greek Cypriot side, which were also reflected in previous UNSG reports.

OP10: It is unfortunate that the said paragraph fails to refer to the most important violation of the military status quo in the island i.e. the placement by the Greek Cypriot side 223 prefabricated concrete firing positions along the ceasefire line, 35 of which are actually in the buffer zone (see para. 13 of the most recent UNFICYP report- S/2021/4). In the interest of objective reporting as well as reducing the tension along the buffer zone, the resolution should have clearly called on the Greek Cypriot side for the immediate removal of these military installations.

In the same paragraph, although there is a reference to unauthorized activities between the cease-fire lines, there is no mention of the Greek Cypriot university in Pile/Pyla which was constructed and continues to operate without the authorization of UNFICYP. Another example of violation of the status of the buffer zone is the preparation, editing, and opening of a cinema at the southeast of Derinya Crossing point (border) in the buffer zone, where the Greek Cypriot side created a *fait accompli* and violated the status of the buffer zone once again. Despite the reference made in the Secretary-General's reports to the colossal extension being built at the said university, there is no reference in the resolution to this attempt aimed at creating a *fait accompli* and changing the status quo in the buffer zone.

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PP16: The Turkish Cypriot side takes note of the need to renew regularly all peacekeeping operations including UNFICYP and is of the view that a comprehensive review of UNFICYP, including its mandate, in light of the changing circumstances on the island, is long overdue.

PP7, OP11, OP12: First and foremost, it should be underlined that Maraş (Varosha) and Akyar (Strovilia) are within the borders of the Turkish Republic of Northern Cyprus and thus fall outside the scope of UNFICYP's authority. Furthermore, there has been no change on the ground both in Akyar/Strovilia and Maraş/Varosha. Therefore, the references and calls in these paragraphs are unwarranted.

OP13: There is a call to both sides to agree on a work plan for a mine free Cyprus. This omits the fact that the Turkish Cypriot side has made multiple concrete proposals in 2013, 2015 and 2018 for a mine free island. It is unfortunate that there is no reference in the resolutions to these proposals, which have been turned down by the Greek Cypriot side.

PP15 and PP17: As regards references to the "Government of Cyprus", it should be recalled that the 1960 Republic of Cyprus was destroyed by the Greek Cypriot partner in 1963. Since then, there has not been a joint administration capable of representing the whole of Cyprus, either legally or factually. Each side has since ruled itself, while the Greek Cypriot side has continued to claim that it is the "Government of Cyprus". The separate and simultaneous referenda held on 24 April 2004 on the comprehensive settlement plan of the then UN Secretary-General has highlighted, once again, the fact that the island of Cyprus is comprised of two distinct peoples and administrations. Hence, this reference is unacceptable.

It should be recalled that in line with the Brahimi Report (2000), as well as Resolution 2436 (2018), the consent and approval of all concerned parties constitute a bedrock principle of all peacekeeping operations and are necessary for their success. This principle undoubtedly applies to the operations of UNFICYP as well, which has to cooperate with two sovereign equal parties to the dispute in Cyprus. The reference in PP15 only to the agreement of the Greek Cypriot administration regarding the extension of the presence of UNFICYP clearly contradicts the aforementioned principle. In the absence of the consent of both sides in Cyprus, UNFICYP "risks becoming a party to the conflict" as stated in the United Nations Peacekeeping Operations Principles and Guidelines.

The Turkish Cypriot side has repeatedly put on record the need to establish a formal agreement/framework which arranges and defines the relationship between UNFICYP and our authorities. This could be in the form of a Status of Forces Agreement (SOFA), or

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another mutually acceptable format. Such a step would no doubt challenge the unacceptable and unsustainable status quo.

PP15 and PP17: The reference to the “Government of Cyprus” is sufficient in itself for us to reject the resolution in toto. We would like to remind that UNFICYP could only function in our territory as our guests, in the spirit of goodwill and cooperation, and according to the decisions made and modalities set by the TRNC Government.

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